

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARIO J. REYES,

Plaintiff,

- against -

MUG AND CUP COFFEE SHOP INC.,
ET AL.,

Defendants.

22-cv-7119 (JGK)

ORDER

JOHN G. KOELTL, District Judge:


The Court is in receipt of the plaintiff's letter requesting that the Court "vacate[] the Order for Default Judgment" because (1) one of the defendants, Joal Ventures LLC, has appeared in the action, and (2) Joal Ventures LLC advised the plaintiff that the other defendant, Mug and Cup Coffee Shop Inc., has been evicted from the premises that are the subject of the complaint. ECF No. 19. The plaintiff's request for vacatur appears to be referring to the Court's prior Orders directing the plaintiff to file default papers against the defendants, which were entered before any defendant had appeared. See ECF No. 10, 16.

Because the plaintiff has indicated that he does not intend to seek a default judgment in this case, he is not required to do so at this time. No formal vacatur of the Court's previous Orders is necessary. The Court has already set a deadline for defendant Joal Ventures LLC to answer or respond to the complaint, which is **April 17, 2023**. ECF No. 18.

To the extent the plaintiff no longer wishes to proceed against defendant Mug and Cup Coffee Shop Inc., the plaintiff should promptly file a notice of voluntary dismissal with respect to that defendant pursuant to Fed. R. Civ. P. 41(a)(1)(A) and this Court's Local Rules and Individual Practices.

SO ORDERED.

**Dated: New York, New York
March 27, 2023**



John G. Koeltl
United States District Judge